

NO. X06-UWY-CV18-6046436-S : SUPERIOR COURT
ERICA LAFFERTY, ET AL. : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : APRIL 1, 2022

NO. X06-UWY-CV18-6046437-S : SUPERIOR COURT
WILLIAM SHERLACH : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : APRIL 1, 2022

NO. X06-UWY-CV18-6046438-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL. : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : APRIL 1, 2022

OBJECTION TO MOTION FOR EMERGENCY STAY

Last week, Alex Jones chose to go on the air rather than go under oath. He asked the Court to excuse him, presenting “evidence” and “argument” to the Court that he could “not go to deposition because he was remaining home under [medical] supervision,” which initially “deceived” the Court. DN 753, 3/23/22 Hrg. Tr. 17:2-7. In fact, Mr. Jones was not at home under medical supervision; he was at his studio broadcasting. Even after the Court ordered Mr. Jones to

attend his deposition, he refused. The Court rightly held him in contempt and issued orders to cause Mr. Jones to sit for deposition.

Contempt sanctions must remain in effect until Mr. Jones is deposed. Counsel for Mr. Jones now informs the Court that Mr. Jones is willing to start his deposition on April 11. DN 789, Def. Mot. to Stay at 1-2. Perhaps Mr. Jones will appear for his deposition on April 11. But Mr. Jones also agreed to be deposed on March 23 and March 24. As his actions have shown, a representation from Mr. Jones does not amount to real-life attendance at a deposition. The escalating fines were imposed to compel his appearance and should not be set aside merely because Mr. Jones has yet again said he will appear. Mr. Jones cannot avoid contempt penalties with more court filings: “[b]y its very nature the court’s contempt power, ‘to be effectual, must be immediate and peremptory, and not subject to suspension at the mere will of the offender.’” *Papa v. New Haven Fed’n of Teachers*, 186 Conn. 725, 731 (1982). No stay is appropriate or warranted, and the Motion for Stay should be denied.

Further, to the extent the Jones defendants’ Motion suggests the existence of an agreement concerning the date or manner of Mr. Jones’s deposition, that suggestion is incorrect. The plaintiffs have not entered any agreement, because the terms of the Court’s order are clear and the plaintiffs are abiding by those terms. As the Court ordered, the plaintiffs stand prepared to depose Mr. Jones on twenty-four hours’ notice. The plaintiffs understand that Mr. Jones is at present giving notice via his Motion that he will appear for the first day of his deposition on April 11. Should the Court deny his motion, Mr. Jones can choose to avoid additional fines simply by appearing sooner, which he may well do. The choice is his. In either event, the plaintiffs will simply follow the procedures the Court has set for the deposition of Mr. Jones.

I. STANDARD FOR DISCRETIONARY STAY

The leading case concerning the test for discretionary stay is *Griffin Hosp. v. Commission on Hospitals and Health Care*, 196 Conn. 451 (1985). *Griffin* recognizes that the trial court will apply a “balancing of the equities” test, in which four factors warrant consideration. *Id.* at 456-57. These are: (1) the likelihood of success on appeal; (2) whether the stay is necessary to avoid irreparable harm; (3) the effect of the stay on other parties; and (4) the public interest. None of these considerations merit granting a stay in this case. *Id.* at 457-58.

II. THE MOTION FOR STAY SHOULD BE DENIED

A. Likelihood of Success on Appeal

The standard for granting a § 52-265a application is extremely high: it requires that the appeal “involve[] a matter of substantial public interest” and that “delay may work a substantial injustice.” Conn. Gen. Stat. § 52-265a. Mr. Jones’s proposed appeal does not meet this standard. At issue in this appeal would be Mr. Jones’s personal, financial interest in avoiding the consequences of his defiance of a court order. There is no public interest to be served by immediate appellate review of his noncompliance. Nor will delay work any injustice: Mr. Jones is ordered to pay a conditional fine. The Court explained that “Mr. Jones himself has the opportunity to complete his deposition and then request reimbursement of the fines that the Court has imposed.” DN 788, 3/30/22 Hrg. Tr. at 27:4-7. For these reasons, it is highly unlikely the § 52-265a application will be granted.

If the § 52-265a application were granted, Mr. Jones would not prevail. The bases for the Court’s contempt finding – the clarity of the orders to attend the March 23 and March 24 deposition dates; Mr. Jones’ refusal to attend; the insufficiency of the medical evidence he

provided; and the fact that he went to work while claiming he could not be deposed – are all well documented. The Jones defendants fail to show any likelihood of success on appeal.

B. Whether a Stay Is Necessary to Avoid Irreparable Harm

The Jones defendants can make no showing of irreparable harm to Mr. Jones because there is none. Mr. Jones need only complete his deposition to stop paying fines. Moreover, the fines that will be paid may be reimbursed.

On the other hand, it would cause significant harm if the Court were to grant the stay. Doing so would effectively undo the contempt ruling and remove the incentive that Mr. Jones requires to appear in the first place:

[B]y its very nature the court’s contempt power, “to be effectual, must be immediate and peremptory, and not subject to suspension at the mere will of the offender.” *Tyler v. Hamersley*, 44 Conn. 393, 412 (1877). It is for this reason that an appeal from a civil contempt judgment does not automatically stay its execution. ... Indeed, the conditional and coercive nature of civil contempt would be rendered virtually meaningless were the trial court’s power automatically stayed by an appeal.

Papa, 186 Conn. at 731; *Bouffard v. Lewis*, 203 Conn. App. 116, 122-23 (2021).¹

The Jones defendants fail to show any likelihood of irreparable harm if a stay is denied.

C. Effect of Stay on Other Parties

Granting the stay would undermine the Court’s contempt ruling, likely further prejudicing the plaintiffs’ efforts to depose Mr. Jones. As the Court found, “the plaintiffs here simply want and are entitled to the deposition of Mr. Jones and ... Mr. Jones has continued to

¹ The Jones defendants argue that if the Supreme Court grants the § 52-265a application, “the Court’s order will then be stayed pursuant to Practice Book § 61-11.” DN 789, Def. Mtn. to Stay at 3. That is incorrect. *See Papa*, 186 Conn. at 731 (“an appeal from a civil contempt judgment does not automatically stay its execution. ... Indeed, the conditional and coercive nature of civil contempt would be rendered virtually meaningless were the trial court’s power automatically stayed by an appeal.”); *Bouffard*, 203 Conn. App. at 122-23 (quoting this language from *Papa* and concluding that contempt orders were not automatically stayed).

attempt to deliberately disregard the Court’s orders and attempts to manipulate the Court process.” DN 788, 3/30/22 Hrg. Tr. at 27:20-24. The conditional fine imposed by the Court is “necessary in this matter” to coerce Mr. Jones to complete his deposition. *Id.* at 27:4.

The Jones defendants fail to show that granting a stay would not harm other parties.

D. The Public Interest

As *Papa* observes, a stay renders “meaningless” “the conditional and coercive nature of civil contempt.” 186 Conn. at 731. The public has an interest in a fair adversary system, where the rules of discovery apply equally to all litigants. Mr. Jones acts as if those rules do not apply to him, but they do, and the public has an interest in seeing those rules applied to Mr. Jones. *See Lafferty v. Jones*, 336 Conn. 332, 349 (2020) (“Sanctions have long been deemed imperative to protect against the disruption or abuse of judicial processes and to ensure obedience to a court’s orders, thereby preserving its authority and dignity.”), *cert. denied*, 141 S. Ct. 2467 (2021).

The Jones defendants fail to show there is a public interest in staying the contempt ruling.

III. CONCLUSION

For all these reasons, the plaintiffs request that the Motion for Stay be denied.

THE PLAINTIFFS,

By: /s/ Alinor C. Sterling
ALINOR C. STERLING
CHRISTOPHER M. MATTEI
MATTHEW S. BLUMENTHAL
KOSKOFF KOSKOFF & BIEDER
350 FAIRFIELD AVENUE
BRIDGEPORT, CT 06604
asterling@koskoff.com
cmattei@koskoff.com
mblumenthal@koskoff.com
Telephone: (203) 336-4421
Fax: (203) 368-3244
JURIS #32250

CERTIFICATION

I certify that a copy of the above was or will immediately be mailed or delivered electronically or nonelectronically on this date to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were or will immediately be electronically served.

For Alex Emric Jones, Infowars, LLC, Free Speech Systems, LLC, Infowars Health, LLC and Prison Planet TV, LLC:

Norman A. Pattis, Esq.
Cameron Atkinson, Esq.
Pattis & Smith, LLC
383 Orange Street, First Floor
New Haven, CT 06511
P: 203-393-3017
npattis@pattisandsmith.com
catkinson@pattisandsmith.com

For Genesis Communications Network, Inc.

Mario Kenneth Cerame, Esq. (via USPS)
Brignole & Bush LLC
73 Wadsworth Street
Hartford, CT 06106
P: 860-527-9973

/s/ Alinor C. Sterling

ALINOR C. STERLING
CHRISTOPHER M. MATTEI
MATTHEW S. BLUMENTHAL